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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,587	02/06/2002	Lev Nisnevich	Ka-1	8265

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EXAMINER

WILLIAMS, KEVIN D

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/068,587

Applicant(s)

NISNEVICH, LEV

Examiner

Kevin D. Williams

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be consecutive in ascending order. Two claims are identified as number "2." The second number "2" claim should be renumbered as number "3" and the subsequent claims should be renumbered consecutively starting with the first claim after the second number "2" claim. For purposes of this office action, the claims have been renumbered and will be referred to by their renumbered number. Appropriate correction is required.

There appears to be insufficient antecedent basis for the following limitations in the claims. Appropriate correction is required:

Claim 2 recites the limitation "said axles" in line 5.

Claim 2 recites the limitation "the outside" in line 7.

Claim 2 recites the limitation "the second one" in line 10.

Claim 2 recites the limitation "first unit" in line 10.

Claims 2 recites the limitation "second unit" in line 11.

Claim 2 recites the limitation "the first" in line 12.

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Claim 4 recites the limitation "the spring system" in line 1.

Claim 5 recites the limitation "the two units" in line 1.

Claim 5 recites the limitation "the horizontal movement" in line 2.

Claim 5 recites the limitation "the vertical relative motions" in line 2.

Claim 5 recites the limitation "the length of legs" in line 3.

Claim 6 recites the limitation "the legs length" in line 1.

Claim 7 recites the limitation "the tool mounting height" in line 1.

Claim 8 recites the limitation "the direction" in line 1.

Claim 8 recites the limitation "the axles" in lines 1 and 2.

It appears that applicant intended for claims 4-8 to depend from claim 2. In an effort to expedite prosecution, prior art has been applied to the claims as if these claims depend from claim 2. Although there appears to be a lack of antecedent basis for the limitations indicated above, prior art has been applied to the claims as if these limitations are positively recited with appropriate antecedent basis.

Each claim should end with a single period. In claim 2, each of the lettered subsections ends with a period. Appropriate correction is required.

The preamble of claim 2 is an "apparatus for treatment of flat surfaces." The preamble of claim 4 is "a support assembly." The preamble of claim 4 is not consistent with the preamble of claim 2, from which claim 4 depends. Appropriate correction is required.

Claim 1 recites the limitation "the flat surface" in line 2. Claim 2 recites the limitation "a surface" in line 3. Claim 2 recites the limitation "the surface" in several

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other instances. It is unclear whether applicant is referring to the same surface throughout the claims or if there is more than one surface that applicant is referring to. This limitation is also recited several other times in the subsequent claims. Appropriate correction is required.

In claim 3, line 2, it seems that "as scanner" should be --as a scanner--.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 recites the term "etc" in line 2. This term does not define a specific group of items. The presence of this term in the claim renders the scope of the claim indefinite.

Claim 11 recites the limitation "is of nay size" in line 2. It is unclear what is intended by this limitation. The term "nay" is defined as "no" by Webster's Collegiate Dictionary, Fourth Edition. The claim is rendered indefinite when this definition is given to the term "nay."

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tideman (US 6,467,978).

Tideman teaches an apparatus comprising a support assembly 42 for supporting a treatment tool 66, which is to be applied to the flat surface 90 supported outside the treatment tool, said support assembly is designed to be brought in contact with said flat surface and operable for step-by-step reciprocating movement (col. 3, line 51 to col. 4, line 7) along said flat surface, wherein the tool is any other surface treating tool 66, such as a scanner, pantograph, laser engraver, etc, wherein the tool is another support assembly so that a two axes operation is possible, where the support assembly is capable of moving on said flat surface and is of any size with respect to said flat surface.

***Allowable Subject Matter***

6. Claims 2 and 4-8 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claim 2 is the limitation of two parallel axles having cams contacting flat surfaces of the units and creating horizontal and vertical motions of the units, an electromechanical system which

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provides rotational synchronized motion to the parallel axles, where the movement of the units comprises stages where the first unit is raised relative to the second one and moved a full step forward and lowered back to the surface, the second unit is raised relative to the first and moved a full step forward and lowered back to the surface, in combination with the other claimed structure.

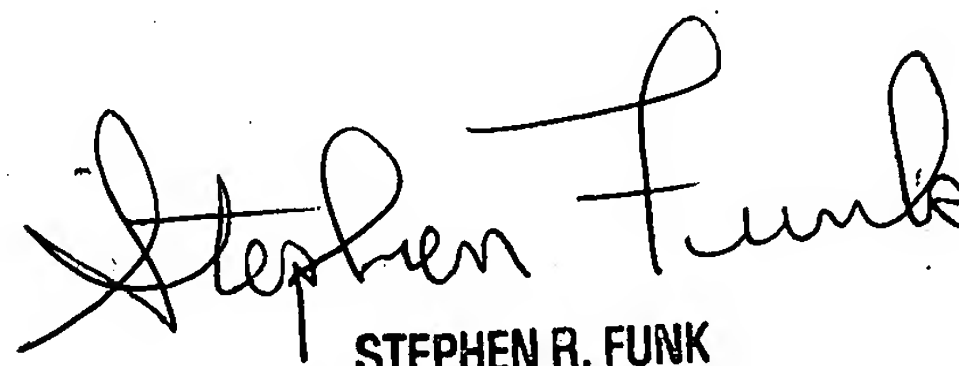
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703) 305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW  
July 30, 2003

  
STEPHEN R. FUNK  
PRIMARY EXAMINER